Geo. W.Barker,

vs.) In the Circuit Court of Lee County Va.

C.H.Dickinson

Geo. W.Barker, plaintiff in this suit ~~xxxxxxx~~ by his Attorney, complains of C.H.Dickinson, the defendant in this suit who has been summonsed to answer of a plea that the said defendant render unto the said plaintiff($1000.00) One thousand Dollars with interest thereon from the 11th. day of August, 1907 which to the said Plaintiff the said Defendant owes and unjustly detains from time for that whereas on the --11---day of June 1907 the plaintiff sold and conveyed to the defendant a certain house and lot in the town of St.Charles, Lee County Virginia, * for the sum of Fifteen Hundred Dollars, the defendant then and there paying Five hundred dollars of the purchase price thereof to the plaintiff and agreeing ~~xxxxxx~~ by his certain writing obligatory to pay said ballence on the 11th. day of August, 1907, a copy of said note is filed herewith, marked "A"the original being held as collateral by A.G.Hyatt, Cashier of the Pennington Gap Bank.

Your complainant alleges and will show to the court that he made a deed to the defendant for said property, reserving his vendors Lien thereon till the ballence of the purchase price aforesaid was fully paid, but cannot make profert of said deed because he says that he delivered the said conveyance to the ~~xx~~ defendant herein who never has had the same placed upon record and suposes that the defendant has the said conveyance in his possesion and the whereabouts of said defendant is not now known to your complainant. Nevertheless,the defendant, although often required, has not yet paid the aforesaid sum of money above demanded,to the said plaintiff, or any part thereof, but to pay the same the said defendant has hitherto wholly failed and refused, and still does refuse, to the damage of the said plaintiff $1000.00

By reasonwhereof the plaintiff asks judgement for the amount aforesaid,that said judgement may be decreed a lien upon said property mentioned in said deed and that the same be sold on such terms as may seem equitable and just and that W.K.Hopkins be appointed a commissioner to carry out the terms of the de-

* Description - fronting 30 ft on main st and running back 50 ft, known as Lot No 2 and bounded on the West, by H. & Kilbourne Lot and on the North-East, by Jos Jolley's Lot and on same is a two story frame building 30 x 40 ft

cree in this case and for such other relief as the nature of the case may demand. And your petitioner will ev er pray etc.

W. H. Hopkins--Counsel forPlaintiff.

Geo. W. Barker
vs [bill
C. H. Dickinson

Filed Nov. 21, 1907.

1907 2nd Nov. Rules
Spa Not executed & continued for O.P.

" 1st Dec. Rules
Cont'd for O.P.

" 2nd Dec. Rules
O.P. completed
" & cause set for hearing.

Geo. W. Barker .....Plaintiff.

Vs.

C. H. Dickinson .....Defendant.

On the calling of this cause on the motion of the plaintiff, said cause is stricken from the docket.

Geo. H. Barker

vs } Decree final

C. H. Dickinson

Entered in C.D.B.
#8, page 411

Enter this
Dec. 8 - 1908
H A W Silver

Geo. W. Barker, Plaintiff,
V.
C. H. Dickinson, Defendant.

Deposition of Geo. W. Barker, the plaintiff, taken before me, J.J.Yeary, a Justice of the Peace for the County of Lee in the State of Virginia, on the 2d. day of December, 1907 pursuant to the annexed notice, at the office of W.K.Hopkins in the town of Pennington Gap, Lee County Virginia, between the hours of 8'oclock A.M. and 4 Oclock, P.M. of said day, to be read as evidence in a certain suit in chancery, in which Geo. W. Barker is Plaintiff and C.H.Dickinson is Defendant, pending in the Circuit for the County of Lee and State of Virginia.

Present, W.K.Hopkins, counsel for the Plaintiff
No one for the Defendant.

Geo. W. Barker, being first duely sworn, deposeth and saith:

Q-1 Mr. Barker, please state how old you are, your occupation and place of residence.

A-I am 37 years old, I am a merchant and reside at St. Charles, Lee County, Va.

Q- Please state if the Defendant, C.H.Dickenson is indebted to you in any sum of money, and if so how much and what for.

A-Yes, he owes me $1000.00 and its interest for the ballence of the purchase price of a house and lot which I sold him on the ---day of ----------1907.

Q-Did you make the defendant a deed for the house and lot refered-ed to.

A-I did.

Q-Can you file said deed or a copy of the same in this suit, if not, why not.

A-I cannot, file a copy of the deed, because I delivered said deed to the Defendant at the time and he never placed same on record and I don't know were the defendant is.

Q-Please state whether or not you reserved a vendors Lien upon said prpperty to secure the said defered payment refered to.

A-I did.

Q-Did the defendant make and deliver to you his note as evidenceof said defered payment.

A-He did.

Q-Please file the said note with your deposition and state why you stated in your petition that you could not file the same.

A-I now file the note. The reason that I stated in my petition that I could not file it was because at that time, it was in the posession of The Pennington Gap,Va. Bank as Collatteral and I have liftd same to day.

Q-Did you , since the said note became due, ask him to pay the same, if so when and where.

A-Yes, I saw the Defendant at Middlesboro, Ky. in the lattedr part of september and he promised to pay it soon, but has never done so and although, I have written him a number of letters, I have never had a reply, or seen him since.

Q-Please describe the property sold to the defendant.

A-The Lot is situated in St.,Charles, Lee County Virginia and is 30X 50ft. I think it is Lot No. 2, is bounded on th west side by H.F.Kilbourn's Lot and on the North-east side by Joe. Jessee's lot. I t has a Two story frame building on it 30X40ft.

And further, the deponent saieth not.

Geo W Barker

I, J.J.Yeary, a Justice of the Peace for the county of Lee in the State of Virginia, do hereby certify that the foregoing deposition of Geo. W. Barker was duely taken,subscried and sworn to before me at the time and place and for the purpose mentioned in the caption.

Given under my hand on this the 2d. day of December, 1907.

J.J.Yeary J.P.

Geo. W. Barker
vs { depositions
C.H. Dickinson

Filed Dec. 3, 1907.
H.C.P. Ewing,
Clerk.

Costs
J.J. Zeary for taking
depositions 2 hrs. - $1.50

Pennington Gap Bank

Pennington Gap, Virginia

$1000.00/xx

Pennington Gap, Va. June the 11 1907

Sixty days Days after date I promise jointly and severally to pay to the order of George W. Barker The sum of one Thousand Dollars

Negotiable and payable without offset at **Pennington Gap Bank,** of Pennington Gap, Va., for value received and I waive the benefit of my homestead and all other exemptions of law as to the debt evidenced by this note.

The undersigned principals and endorsers, sureties and guarantors hereby severally waive presentment for payment, demand, protest and notice of protest or non-payment of this note and diligence in bringing suit against any party hereto, and agree that time of payment may be extended without notice or consent and without affecting their liability, and also agree that if suit is brought hereon, or if placed in the hands of an attorney for collection, to pay ten per cent attorney's fee, which shall be added to and become a part of the judgment.

Given under my hand on the date above written.

C. W. Dickenson

Due Aug the 11 1907

witness H. F. Kilbourn

9758 PINNACLE PRINTERY, MIDDLESBOROUGH, KY.

"A"
Original

We, as endorsers of this note, waive demand, notice, protest, all exemption laws, and guarantee payment of same, or any renewal thereof, and acknowledge that we sign with a full understanding of this notice.

_____

_____

_____

_____

In the Clerk's Office of the Circuit *Court of the* County of Lee.

George W. Barker,

Plaintiff

against

C. F. Dickison,

Defendant

This day W. K. Hopkins personally appeared before me W. C. T. Ewing, Clerk of the said Court, and being duly sworn, made oath that C. F. Dickison defendant in the said suit is not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 6th day of Nov., 1907.

W. C. T. Ewing, Clerk.

Geo. W. Barker

VS { AFFIDAVIT FOR ORDER OF PUBLICATION

C. F. Dickison,

W. K. Hopkins p. q.

Filed Nov. 7, 1907.

W. A. S. Ewing,

Clerk.

Posted 7th Nov

BOATRIGHT PRINTING CO., GATE CITY, VA.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 7th day of November, 1907.

George W. Barker, Plaintiff,
against
C. H. Dickison, Defendant

In Chancery.

The object of this suit is to enforce the payment of $— and interest thereon from the — day of —, 190—, being a part of the purchase price of certain property, situated in St. Charles, Lee County, Virginia, and secured by a vendor's lien upon said property,

And an affidavit having been made and filed that the defendant, C. H. Dickison is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the The Pennington News and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Teste:

W. K. Hopkins, p. q.

H. C. F. Ewing, Clerk.
By W. E. Hanary, D.C.

Geo. W. Barker

vs. { ORDER OF PUBLICATION

C. K. Dickison

Virginia, Lee County, to-wit:
I, N. D. Ewing, County Clerk
for the County aforesaid, in
the State of Va., do certify
that I posted a true copy
of the within order of
publication at the front
door of the Court-house of
this County on this day.
Given under my hand,
this Nov. 7th, 1907.

N. D. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon J. H. Dickison

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 3rd Monday in November, 1907, to answer a bill in chancery exhibited against him by Geo. W. Barker

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 7th day of November, 1907, and 132nd year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

Geo. W. Barker

VS { SUBPŒNA IN CHANCERY

C. L. Dickison

W. K. Hopkins, p. q.

To 2nd Nov. Rules

Lee Circuit Court

1907.